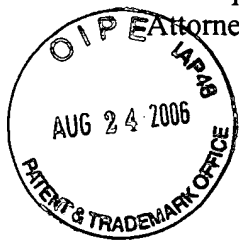


RESPONSE UNDER 37 C.F.R. § 1.111

U.S. Application No. 10/826,300

Attorney Docket no. Q80742

Art Unit No. 2863



### REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-20 are pending in the application, of which claims 1-14 and 16-20 have been allowed. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

#### Rejection of Claim 15 (Case, Jr. et al.)

Claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Case, Jr. et al. (U.S. Patent Number 5,825,350; hereinafter "Case"). The rejection is respectfully traversed.

Although the Examiner has stated that the differentiated amplitude of low frequency signal output from differentiator (1806) can be called a "first value," and an amplitude parameter of the signal output from the low pass filter (1802) can be called a "second value," the Examiner has only named these characteristic signals, and has further alleged that these signals may be less than the original input sensor signal. However, this relative comparison has been made only as an afterthought.

The Examiner has merely interpreted what he alleges to be a first signal and a second signal in Case, Jr. However, even assuming *arguendo*, that these signals can be so interpreted as the Examiner has alleged, the claimed invention as recited by claim 15 recites that a determination is made that the sensor is not operating *when an amplitude of the differentiated, low frequency sensor signal is a first value or less, and an amplitude of the low frequency sensor signal is a second value or less.* Therefore, because no *determination* of sensor operation is taught or suggested by Case, Jr. as being based on the claimed amplitude of the differentiated

low frequency sensor signal being a first value or less and an amplitude of the low frequency sensor signal being a second value or less, the claimed invention is distinguished over Case, Jr.

Although the Examiner has referred to specific signals and their possible comparative values, there still lacks any teaching or suggestion in Case, Jr. that such signal values **are used in a determination** of sensor non-operating condition by comparison with respective first and second values. **The Examiner has merely alleged that the claimed signals are present in Case, Jr., however, a determination of non-operation is not made in Case, Jr. based on any comparison results between these signals and any particular first or second value.** Case, Jr. only generally collects operational data as angular acceleration and determines whether this specific angular acceleration data remains within a specified window by using the window comparator (1808). The specific signal values as defined by the Examiner are never taught or suggested to be used as conditional comparison points to first and second values in a determination of sensor non-operation.

As clearly shown in FIG. 18 of Case, Jr., the circuit of the prior art does not make any determination using an original low frequency signal in addition to a differentiated low frequency signal, as the circuitry which includes low pass filter (1802), adder (1804), differentiator (1806), window comparator (1808) and D latch (1810) depicts.

At least by virtue of the aforementioned differences, the invention defined by claim 15 is distinguished over Case. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

RESPONSE UNDER 37 C.F.R. § 1.111  
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**Rejection of Claim 15 (Applicants' Prior Art Figure 1)**

Claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicants' prior art submitted in figure 1. Applicants submit that the claimed invention is allowable over the cited prior art for the same reasons as discussed above. Applicants' submitted Figure 1 depicts a block diagram of a bias compensating apparatus as disclosed in Case (paragraph [04]). As discussed above, the bias compensating apparatus of the prior art fails to teach or suggest the claimed invention. Therefore, claim 15 should also be allowable over prior art Figure 1. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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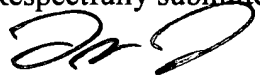
WASHINGTON OFFICE

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CUSTOMER NUMBER

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Respectfully submitted,



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